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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,112	04/18/2001	Pierre Philip Barrette	12550-31	8998
33318	7590	04/06/2005	EXAMINER	
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			BUI, KIM T	
			ART UNIT	PAPER NUMBER
			3626	
DATE MAILED: 04/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/837,112

Applicant(s)

BARRETTE ET AL.

Examiner

Kim T. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/21/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,10,12,16,20,25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballantyne et al. (5867821).

(A) As per claim 1, Ballantyne et al. teaches a healthcare system having handheld mobile field device (i.e. PDA) to provide wireless communication with patient monitoring devices (i.e. PCS). Ballantyne, col. 11, lines 18-21, col. 12, lines 35-37.

(B) As per claim 5, Ballantyne et al. teaches a network including mobile device (PDS) communicating with patient monitoring devices (PCS), the network is configured to provide patient record assessments with manual inputted, processes information, inpatient room or in-house patient monitoring. Ballantyne, col. 11, lines 18-21, col. 12, lines 35-37, col. 15, line 50 to col. 16, line 15.

(C) As per claim 6, Ballantyne et al. teaches a network including mobile device communicating with patient monitoring device and the networked connected database maintained by the hospital. Ballantyne et al., col. 4, lines 52 to col. 5, line 8, col. 11, lines 18-21, col. 12, lines 35-37.

(D) As per claim 12, Ballantyne et al. teaches a network including mobile device communicating with patient monitoring device and a central repository having

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subsystem databases for storing medical information and related information, data transferring and retrieving are secured by encryption. Ballantyne et al., col. 4, lines 52 to col. 5, line 8, col. 11, lines 18-21, col. 12, lines 35-37, col.16, lines 16-18.

(E) As per claim 20, Ballantyne et al. teaches a network teaches a healthcare network comprising:

- a. a medical database, Ballantyne et al., col. 4, line 52 to col. 5, line 8.
- b. a secure database monitoring system and a data monitoring manager for providing controlled electronic access to the database by different entities in accordance to a specification provided by an authorized user. Ballantyne et al., col. 5, lines 55-61, col. 7, line 66 to col. 8, line 18.

(F) As per claim 25, Ballantyne et al. teaches a method for communicating medical data between a wireless a mobile device (PDA) and patient monitoring site (PCS), and for communication the medical data from the mobile device and monitoring site to a medical database via a secure network. Ballantyne, col. 7, line 66 to col. 8, line 2, col. 11, lines 18-21, col. 12, lines 8-20, lines 35-37, col. 11, lines 24-27.

(G) As per claim 2, PDA of Ballantyne et al. includes accessory interface on col. 4, lines 3-5.

(H) As per claim 3, Ballantyne et al. teaches the wireless communication between PDA and fixed inpatient room monitoring and diagnosis units via the interface and configuration. Ballantyne et al., col. 11, lines 18-21, col. 12, lines 3-4, lines 35-37.

(I) As per claim 4, Ballantyne et al. teaches patient medical diagnoses, PDA functionality, net research and access on col. 10, lines 21-27, col. 13, line 50 to col.14, line 5, col. 16, lines 59-61, col. 12, lines 18-20.

(J) As per claims 10,16, 29, Ballantyne et al. teaches the wireless, local area network and network security protocol and encryption algorithm in col. 7, line 65 to col. 8, line 3, col. 16, lines 14-18, col. 20, lines 34-34.

(K) As per claim 26, Ballantyne et al. teaches wireless communication between PDA and inpatient room diagnosis and monitoring units via PDA accessory interface on col. 14, lines 1-2, col. 12, line 7, col. 11, lines 18-21.

(L) As per claim 27, Ballantyne et al. teaches the aggregated patient record assessment(s) with manual inputted, processes information, inpatient room or in-house patient monitoring on col. 11, lines 18-21, col. 12, lines 35-37, col. 15, line 50 to col. 16, line 15.

(M) As per claim 28, Ballantyne et al. communicating between databases and mobile unit is disclosed on col. 14, lines 52-55.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821).

(A) As per claim 7, Ballantyne et al. teaches the master and regional database system for storing medical electronic information for educational and training purposes (i.e., references, magazines, books etc.). Ballantyne et al. col. 2, lines 35-36, line 51, col. 9, line 67-68, col.16, lines 41-43, lines 61-63. Ballantyne does not expressly recite that the PDA display these material. However, Ballantyne et al. teaches that the PDA includes a display and can gain access to the network via the PDA technology. It would have been obvious to one having ordinary at the time of the invention to display the readily available medical references and information on PDA with the motivation of enhancing the PDA's user interfacing to the database materials for accessing and displaying the information at a remote location. Ballantyne et al., col. 13 lines 40-45.

(B) As per claim 8, Ballantyne et al. fails to expressly recite the students (i.e., medical, nursing residents, fellows, administrative) with the school's materials (i.e., medical references, periodicals, intellectual property material). However, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate students and school materials with the motivation of expanding the applicability of the system as suggested by Ballantyne et al. in Fig. 1 and on col. 2, lines 35-38.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) in view of Causey, III et al. (6558320).

(A) As per claim 9, Ballantyne et al. teaches that the user can scan the database for medical, drug information for conducting preliminary self diagnosis, and that database can receive data from patient's resident. Ballantyne, col. 17, lines 29-33, col. 19, line 27. Ballantyne fails to expressly recite the PDA with self monitoring. This, however, is well known as disclosed by Causey, III et al.. See Causey, III et al. col. 2, lines 10-15. It would have been obvious to one having ordinary skill in the art at the time of the invention to include self monitoring PDA with the motivation of facilitating testing and monitoring of patient's condition at any remote location. Causey, III et al., col. 1, lines 5-12.

6. Claims 11,13, 18, 19, 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) in view of Wolff et al. (5671282).

(A) As per claim 18, Ballantyne et al. teaches network including mobile device (PDA) communicating to patient monitoring systems (PCS). Ballantyne et al., col. 11, lines 18-21, col. 12, lines 35-37. Ballantyne et al. teaches the pharmaceutical databases, col. 2, line 39, but fail to recite the detail of prescription order. This, however, is well known as evidenced by Wolff et al. col. 7, lines 20-30. It would have been obvious to one having ordinary skill in the art at the time of the invention to include prescription order processing with the motivation of expanding the applicability of the system to various users. Wolff et al. col.5, lines 4-30

(B) As per claim 19, Ballantyne et al. teaches the network for communicating between various parties, for example, medical staff (i.e. physicians, nurses), their party services, such as, florists, chaplain, store, medical merchandize supplier(i.e. retails or

wholesale). Ballantyne et al., col. 15, lines 1-5, col. 17, lines 35-45, col. 10, lines 5-9. In addition, Wolff et al. teaches PDA tracking system including merchants and pharmacy interconnection in Fig. 3, col. 5, line 4.

(C) As per claims 11,13, 30, 31, Ballantyne et al. teaches the communication between medical staffs (i.e. nurse, doctor, research/clinical personnel) to database system for hospital administration and patient record (i.e. clinical and account information), and insurance data. Ballantyne et al. col. 3, lines 60-65, col. 4 lines 30-47, col. 15, line 53. Balance does not expressly recite insurance companies and payment flow. This is well known as evidenced by Wolff et al. Fig. 3, col. 7, lines 53-55. It would have been obvious to one having ordinary skill in the art at the time of the invention to include insurance company and payment flow with the motivation of expanding the applicability of the system to various users. Wolff et al. col.5, lines 4-30.

7. Claims 14,15, 32,33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) and Wolff (5671282) as applied to claims 13 and 30 and further in view of Maes et al. (6016476).

(A) As per claims 14,15, 32,33 Ballantyne et al. does not expressly recite the biometric and fingerprint features. This, however, is well known as evidenced by Maes et al. See Maes et al. col. 5, lines 54-60. It would have been obvious to one having ordinary skill in the art at the time of the invention to include biometric or fingerprint as verification features for security purposes with the motivation of conforming to standard practices and securely communicating personal information. Maes, col. 11, lines 58-62.



(A) As per claims 14,15, 32,33, Ballantyne et al. does not expressly recite the biometric and fingerprint features. This, however, is well known as evidenced by Maes et al. See Maes et al. col. 5, lines 54-60. It would have been obvious to one having ordinary skill in the art at the time of the invention to include biometric or fingerprint as verification features for security purposes with the motivation of conforming to standard practices and securely communicating personal information. Maes, col. 11, lines 58-62.

8. Claims 17, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) in view of Aghili (6289316).

(A) As per claims 17,34, Ballantyne et al. teaches the dissemination of new medical information, literature, medical related information including medical research information to interested parties. Ballantyne et al. col. 17, lines 13-15, col. 16, lines 50-51, 63-64. Ballantyne et al. fails to expressly recite pathology results. This, however, well known as evidenced by Aghili et al. Aghili et al. col. 3, lines 46-49. It would have been obvious to one having ordinary skill in the art at the time of the invention to include pathology results information with the motivation of providing a more informative medical chart for useful clinical tool. Aghili et al. col.1, lines 48-54.

9. Claims 21-24, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) in view of Basso, Jr. et al. (6131090).

(A) As per claims 21-24, Ballantyne et al. teaches levels of security and access to predetermined portion(s) on col. 8, lines 7-10, lines 22-28. Ballantyne et al. fails to expressly recite entity sequences or threads. Ballantyne et al., however, suggests that the access criteria can be set in accordance to the users' qualifications, status, as well

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as their necessity to gain access to the medical information. Ballantyne et al. col. 8, lines 24-27. In addition, Basso, Jr. et al teaches the prior access and access sequence number to identify each access session. Basso, Jr. et al. col. 9, lines 44-46, col. 14, lines 42-49. It would have been obvious to one having ordinary skill in the art to apply the concept of sequence or prior access into Ballantyne et al. to prioritize the access rights based on the necessity to view the patient information with the motivation of allowing appropriate staff to access the information in a timely manner. Basso, Jr. et al. col.1, lines 52-55, Ballantyne et al. col. 8, lines 25-27.

(B) As per claim 35, Ballantyne et al. teaches a method for controlling access to a medical database comprising:

- a. defining an access protocol for accessing to patient data by entities. Ballantyne et al., col. 8, lines 1-5.
- b. permitting access to the patient data by at least one entity . Ballantyne et al., col. 8, lines 9-10.

As per the step for conditioning the access by additional entities upon prior access by a prior entity. Ballantyne et al. suggests that the access criteria can be set in accordance to the users' qualifications, status, as well as their necessity to gain access to the medical information. Ballantyne et al. col. 8, lines 24-27. In addition, Basso, Jr. et al teaches the prior access. Basso, Jr. et al. col. 14, lines 42-49. It would have been obvious to one having ordinary skill in the art to apply the concept of prior access into Ballantyne to prioritize the access rights based on the necessity to view the patient

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information with the motivation of allowing appropriate staff to access the information in a timely manner. Basso, Jr. et al. col.1, lines 52-55, Ballantyne et al. col. 8, lines 25-27.

(C) As per claim 36, Ballantyne teaches that users can be divided into categories whose access are independent from each other, for example, psychiatric versus general practitioner. Ballantyne et al., col. 8, lines 9-10.

10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al. (5867821) in view of Basso et al. (6131090) as applied to claim 35 and further in view Maes et al. (6016476).

(A) As per claim 37, Ballantyne et al. and Basso et al. do not expressly recite the biometric. This, however, is well known as evidenced by Maes et al. See Maes et al. col. 5, lines 54-60. It would have been obvious to one having ordinary skill in the art at the time of the invention to include biometric as verification features for security purposes with the motivation of conforming to standard practices and securely communicating personal information. Maes, col. 11, lines 58-62.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Distributed networked based electronic wallet" (US 2001/0011250A1), "Mobile communication and computing system" (6401085 B1)," "Hand held computer for family physicians", Ebell Mark H. et al., Oct. 1995, Journal of family practice, v41, n4, p385 (8), Dialog file 149, Acc. 01605950.

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12. The prior art reference JP 02-257364 is not considered because the 11 pages of the document are submitted in Japanese. A full translation of the document is required for consideration. The equivalent EP 0390611 has been considered.

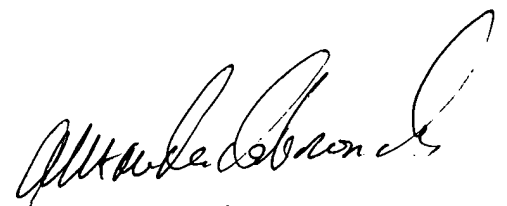
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Bui whose telephone number is 703-305-5874. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KTB

03/28/2005



ALEXANDER KALINOWSKI  
PRIMARY EXAMINER